

# Aesthetics & Wireless Safety Regulations

An overview of how wireless facilities are regulated at the federal, state and local level

## Wireless Regulation Overview

- Wireless facilities are regulated at the federal, state and local level
- Federal and state laws and agency regulations place limits on local authority
- Local governments can regulate the **placement** and **aesthetics** of an installation (within state and federal limits)

## How is Safety Regulated?

- The safety of wireless facilities is primarily regulated by the **California Public Utilities Commission (CPUC)**
- They are the only public utilities commission in the country that has a dedicated electric safety program
- Engineering requirements and safety rules are contained in the CPUC's General Order 95, which is updated regularly in response to changes in technology
- Following California's recent wildfires, the CPUC has also made utility pole safety a major focus. The agency has proposed expanding its ability to cite pole safety violators and developing a database to better track pole conditions.
- For more information on utility pole safety and General Order 95, visit [tinyurl.com/upsafety18](http://tinyurl.com/upsafety18)



## Key FCC Orders

- 2009** – Established two wireless shot clocks (90 and 150 days)
- 2014** – Established rules for Eligible Facilities Requests (and 60 day shot clock)
- August 2018** – Banned moratoria on processing applications
- September 2018** – Adopted new shorter shot clocks for small cells (60 and 90 days) and put limits on local fees and aesthetic rules. Effective Jan 14, 2019/April 15, 2019 unless stayed.

## Aesthetic Examples



- Aesthetic standards apply to a wide range of mounting options, pole types, equipment heights and camouflage options
- Comment on your preferences at stations 4, 5 and 6

## What are Aesthetics?

- Aesthetics standards are those that regulate the design and location of a wireless facility

## Common Aesthetic Categories

- Location:** Protecting historic, cultural and scenic resources
- Camouflaging:** Colors, painting, concealment, so long as required of other similar infrastructure, as well
- Height & Size:** Presumably ok, so long as technically feasible and required of other similar

infrastructure, as well (*but note FCC definition of small wireless facility has height and size components*)

- Undergrounding:** Judged by same criteria as any other aesthetic requirements
- Spacing Requirements:** Some requirements may be reasonable aesthetic requirements to avoid excessive overhead “clutter”
- Others may not be, including rules that could prevent a provider from “**replacing its preexisting facilities** or **collocating new equipment** on a structure already in use”